



**PLANNING BOARD**  
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**MINUTES OF THE PLANNING BOARD WORK SESSION**

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Thursday, February 07, 2019 – 7:00 p.m. – Greenland School Media Center/Library

*Members Present:* Jamie Connelly, Stu Gerome, John McDevitt, David Moore, Rich Winsor, Steve Gerrato (Alternate), Catie Medeiros (Alternate), Paul Sanderson (Selectmen's Rep)

*Members Absent:* Frank Catapano

*Staff:* Mark Fougere – Consultant

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Chair Gerome opened the Planning Board meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Weeks Public Library

Ron Lamarre, Lavallee|Brensinger, addressed the Board; comments from Eric Weinrieb, Altus Engineering, were reviewed. R. Lamarre explained to those present that this meeting was more of a workshop. Altus has reviewed the Library's site plan twice; some of the initial comments have been resolved, others are an open item. R. Lamarre noted that both reviews start with "Altus understands that there is no obligation by the design team or Library to comply with any of the comments noted below", adding the Trustees want to work with everybody. Lavallee|Brensinger has responded to all comments.

Comments from Lavallee|Brensinger and Altus Engineering are on file. The first three comments have been satisfied. Information as noted in Item 4 will be included on the plan even though local ordinances do not apply to this project. Plans noting the architectural renderings on the west side of the site were given to the Building Inspector in November 2018. E. Weinrieb stated they didn't have the height of the building and other aspects; he received a set of plans dated January 17, 2019 as he walked through the door for this meeting.

Item 5: The designer has provided a status update on the State permits. R. Lamarre stated that DES has essentially approved the project; they are waiting for a notarized letter of agreement that the Church recognizes their septic system is on Library property. DES understands that the total combined flow is 999 gallons per day and doesn't need to comply with the regulations in terms of setbacks. Setbacks have been noted on the updated plans. J. McDevitt questioned the Letter of Agreement with the Church. R. Lamarre stated they have a copy that needs to be notarized; it was signed in August 2018. The Attorney General stated it needed to be signed. The Church and Library are filing a *cy pres* petition. The Town Attorney is working on it; he will submit it to the court and it will be signed.

Craig McLaughlin, Library Building Committee Chairman, explained that the agreement between the Church and the Library regarding the septic was signed August 30, 2018; the State returned it to be notarized. The Church is willing to notarize the letter after the *cy pres* is filed. The *cy pres* petition

states that the original deeds place a restriction on the Charitable Trust gift, which is extremely difficult (if not impossible) to comply with today. The Church septic on Library property goes against the original deed and needs to be sorted out. The suggestion from the Attorney General's Office was to go to court citing the *cy pres* petition process. P. Sanderson added that it was looking to reform a charitable trust at the discretion of the Superior Court. It's far removed from a situation where it's filed and you wait for it to be signed and sent back by return mail. Any taxpayer in Town or with an interest in the charitable trust could file an appearance to be heard on the situation; it's not automatic. There would have to be a formal transfer of real estate interest to allow anything to remain permanently on Town property that's owned by someone else. The Selectmen have received a draft of the proposed *cy pres* from the Town Attorney. However, it doesn't deal with any particular transfer of real estate interest. Rather, it deals with the ability to reform the trust. P. Sanderson was unsure it yields all the relief necessary to move forward with this plan.

There was no one present from the Church to address the issue. R. Lamarre stated the alternative was that the septic system be disconnected from the Church, and the Church builds their own septic on their property. He felt the Trustees were trying to recognize a partnership between the Church and Library so things remain the way they are currently. R. Winsor stated the prevailing reason that the septic as presented was able to pass was because it joined the two properties and was able to utilize the entire land mass in the calculation. It was his understanding that if the Church had its own system separate from the Library the proposal wouldn't work because the Library doesn't have enough land to support its own system. E. Weinrieb responded there was information indicating that was correct due to property line setbacks and limited space on the two parcels with the combined system was the only viable way for them to operate. R. Winsor asked if the *cy pres* process was unsuccessful, would that prevent NHDES from approving the septic. E. Weinrieb responded "in the configuration of the project as it is today".

C. McLaughlin stated they did have Underwood Engineers study the capability of the Church to have its own 300 gallon per day system on Church property; they found that would be possible. R. Lamarre added that E. Weinrieb needed to consider the system would get downsized if the Church weren't connected; they would be making it two-thirds of its current size. They haven't pursued it, knowing the Church is currently using the system and would have to build their own. The Library Trustees would rather go through this process to keep things the same. Anything done on the Church site would need to be driven over; it becomes expensive and complicated. The Attorney General has pointed out that the Church building their system on Library property should never have happened. The fire egress out of the Church basement shouldn't have happened either. R. Lamarre felt the Trustees wanted to rectify the situation and maintain the relationship between the Church and Library that has been built over the years.

DOT wants a written letter of agreement that people drive onto the Church property, around the Church and exit. The other option is to have it a walk-up Library and essentially tell the Church they can no longer drive across the Library property. On August 30, 2018, the Library and Church signed the letter. The Attorney General basically said to take it court and show them there is a letter which may rectify the work that had been done many years ago: building the septic, deciding people can drive around the Church and putting in the window wells.

J. Connelly asked what would happen if the Church building changed ownership. R. Lamarre responded that they received a letter from the Building Inspector explaining that the parcel is non-compliant. If it changes use it can't be used without zoning relief.

Anne Beauchemin, Post Road: The Church has held a number of meetings over the last month. The Church has conveyed that they would like to continue their relationship with the Library. There has been a long-standing use of each other's "gifts", and the Church would like that to continue.

R. Lamarre stated that DOT recognizes this is not Library property. DOT will deal with E. Weinrieb and the Town; DOT will not be working with the Library. E. Weinrieb stated that DOT said they will take the driveway entrance of the Library and Church; they will need to work with DOT to resolve the issue to gain safe access. R. Lamarre responded that would work in their favor. They want to eliminate the parking in the front, move the curb out and plant some grass. It would resolve the police issues and the Planning Board concerns. DOT has told the Library they want parallel parking. They have information from DOT stating if they strike the parking in the front, eliminating the angle parking in front of the Library, it would be great. They agreed with the assessment that Altus had done. The problem was not only in front of the Library but also in front of the Church. E. Weinrieb stated that DOT indicated the way it was designed now was not acceptable. They didn't say "if" it became parallel parking it would be approved; it needed to have access and suggested looking at parallel but not necessarily guaranteed.

J. McDevitt added that he talked to Jim Hewitt at District 6. In order to put the asphalt apron down, there should have been a written agreement between the Town and State. J. Hewitt couldn't locate it; J. McDevitt checked at the Town Hall and they couldn't find it, so it's illegal. There is no agreement between the Town and State. J. Hewitt told J. McDevitt that if it was up to the State, it should have been ripped up. If the Police Chief had a problem with the safety, that's paramount and should be removed. J. McDevitt stated it needed to be on their drawings. Chair Jerome added it was the recommendation of the Planning Board and the Chief of Police. R. Lamarre stated that as long as they get permission to work on behalf of the Town and Church, it's not just the area in front of the Library; it's the area in front of the Church also. DOT had told the architect that from the School property to the northern edge of the Library property they would like to see that area rectified; this was based on letters from the Police Chief and Altus. DOT will accept parallel parking striping; however, it would be best to get rid of it and just have a paved sidewalk. J. McDevitt added DOT needed a letter from the Town and Police Chief. J. McDevitt stated that he would be adamant that it had to go. R. Lamarre agreed, stating that as soon as they get a letter from the Town giving the Library authorization to make the change, they'll do it.

R. Winsor, looking for clarification, stated that E. Weinrieb's impression was that DOT didn't consider it a requirement and suggested a letter wasn't needed from the Town. J. McDevitt clarified that the State needed a letter from the Town and were in complete agreement; they were saying "take it out". P. Sanderson added that DOT may need an application from the Church; J. McDevitt was in agreement. E. Weinrieb felt Underwood would get the approval and file the application on behalf of the Church; it's part of this project.

R. Lamarre stated that when the project was started, the Library, Church and School properties were all independent and separate. The Library had an agreement with the School for parking spaces. He preferred to keep the properties independent. If the Church was in agreement with fixing the outside, R. Lamarre stated he will work with District 6. P. Sanderson stated that it was much more than "if"; the two properties are "married". The proposal doesn't work unless the two properties are considered together. R. Lamarre stated that DOT will not reject the project because a neighboring property won't cooperate; P. Sanderson responded they needed the neighboring property "to do something", and it needed to be documented in an application. There also had to be the proper transfer of property rights between the two parties in order for that to occur in the future. A Letter of Agreement stating they were going to cooperate would not be enough.

P. Sanderson stated that if the Church indicates they wish to have the two properties considered together and want to exchange property interests, they need to be a joint applicant. The administrative rules on the two State permits require a transfer of easement interests, not just notarized letters of cooperation. R. Lamarre noted that the State will accept a notarized letter, and suggested a joint meeting. He felt there may be some disconnect in the information.

Chair Gerome asked how window wells, etc., were done without easement rights. R. Lamarre stated that DOT and DES may feel that there is an existing relationship right now and both parties acknowledge that's the way the properties work. Chair Gerome stated that once the property transfers, there's a difference in what becomes a legal document and an easement in a deed. E. Weinrieb added this is a project moving forward with a long history of verbal and non-verbal agreements; now was the time to clean up everything so it was right. An agreement needs to be memorialized by both parties and recorded at the Registry. R. Lamarre responded that was what the Trustees approached the State with; this was how they were being told to do it by the Attorney General. The Library Attorney and Town Attorney are in agreement; the Town Attorney is drafting the documents. R. Lamarre recommended following the advice of the attorney. E. Weinrieb noted that septic and every aspect needs to be included; R. Lamarre stated that maybe he should talk to the Town Attorney or Attorney General with what he wanted included. R. Winsor responded they were managing the project, not E. Weinrieb; R. Lamarre wasn't comfortable telling the Attorney General what to do. P. Sanderson commented the Church should be presenting on behalf of the Church.

R. Winsor asked if they could get the Church to come forward as an applicant and resolve the parking issue. The Trustees have discussed the best way to resolve the parking out front. J. McDevitt clarified that it wasn't them, it was the Selectmen and Police Chief; the Library didn't have the authority. R. Winsor suggested a joint meeting with the Library and Church, going to the Selectmen if necessary; don't wait for the Selectmen to go to them. The Selectmen received a draft of the *cy pres* to review; it's not complete and has not been filed.

Item 6: Plans were given to E. Weinrieb on September 20, 2018. Copies were available at this meeting.  
Item 7: They will make sure the existing conditions survey is stamped.

Item 8: Temporary parking has been resolved with the School. They will get agreements in writing and noted on the plans. An official agreement has been worked out with the School. C. McLaughlin noted that until a year ago, the Town Attorney was working with the Library (until he was asked to step back). It was his concept that there would be a cooperative agreement between the Library and the School, and separately Library and Church, which would work out the details relating to liability and specific drawings, etc. C. McLaughlin stated they wanted to respond to all the questions and concerns; did the Board want them resolved before construction begins or before the Library is open to the public. He had no doubt that all of the issues would be resolved in the next 15 months. They have met with the Church and School; they don't have signed written agreements from them, but have a spirit of cooperation. E. Weinrieb stated that they needed to have everything secured before a shovel went in the ground; they would suddenly become very vulnerable once construction was started, money was being spent and there was no agreement in hand. E. Weinrieb noted they would need the Church and School property during construction. Parking spaces will be in the upper parking lot of the School, near the Fleming's property.

Chair Gerome stated that the Board didn't have the facts and that was a problem. Their concern was the safety of the people that will be in the building. All the facts should be in front of the Board now, on paper and on the plan. That's the way the Board judges an application—nothing shy of everything. R. Winsor added nothing shy of spending \$3.5 million and they didn't know about parking spaces. J.

McDevitt stated that all were aware of RSA 674:54; it doesn't abdicate safety. They couldn't hide behind RSA 674:54 and ignore safety. R. Lamarre agreed and added that the Library Trustees have been going through a process. To insinuate they weren't going to get it done before a shovel went in the ground, and going against laws and regulations, was not the case. The Library has been meeting with the Boards and Church. Until they have some of the items resolved so they can be put on paper, DES and DOT approves, and it's been blessed by the Attorney General, it's difficult to bring it to the Board and say this is what's going to be done.

D. Moore noted that the parking has been addressed for over a year and a half; asking for a written agreement—how long does it take to get that? One handicap spot for how many people that will be in the building—is that realistic? Those are things the Board has been asking for since the beginning. R. Lamarre responded that four parking spaces are shown on the site. Originally, there were discussions of building 25 parking spaces on School property. There were meetings with the School and C. McLaughlin did a presentation. The Town wouldn't allow that to happen.

P. Sanderson stated that the School is a separate entity, apart from the Town. The Library Trustees only manage Library property, not other Town property. They would have to cooperate with the Selectmen and reach an agreement with the School about designated parking spaces; that hasn't happened. The plan showing all parking requires that the Church parking be considered an integral part of the proposal. We should be able to take that spirit of cooperation and reach an agreement that is reviewable. R. Lamarre responded "as long as the Town Attorney is freed up to work with us". P. Sanderson asked who said he wasn't. C. McLaughlin stated that they were working with the Town Attorney until last August; at that point it became clear that there was a significant difference of opinion between the Selectmen and Library Trustees. The Town Attorney felt obligated to step back; the Library Trustees were forced to hire their own attorney. P. Sanderson suggested that their attorney could work with the Town Attorney and make a report to the Selectmen and the Planning Board. He added that as a Selectman he hasn't seen any report from the two attorneys that they're working on any issue. C. McLaughlin felt there was some level of cooperation with the *cy pres* petition. P. Sanderson stated he assumed the Church would have representation. There should be three attorneys working to get the spirit of cooperation down to a document that was reviewable. C. McLaughlin stated there's been a lot work going on that the Boards are unaware of.

C. McLaughlin stated they don't have binding written agreements yet; they do, however, have an exceptional spirit of cooperation. The School Board wants an improved Library a two-minute walk from the School; they're not excited about having it across Town. They have been very cooperative in discussing parking. R. Winsor asked what exactly has been proposed to the School Board. C. McLaughlin responded there are two cases: when School is in session, they've asked for 10 parking spaces to be shared with the Library; that has been agreed to in principal but is not in writing at this time. "Shared" means that Library patrons would be free to park in spaces that are furthest from the Library. R. Winsor noted they wouldn't be dedicated Library spaces; it would be more "first come, first serve". C. McLaughlin responded that the Town Attorney's recommendation a year ago was easements not be involved; it's a cooperative agreement. R. Winsor asked again if those spaces were reserved for Library patrons or was it "first come, first serve". C. McLaughlin responded they haven't gotten to that level of detail. P. Sanderson clarified his concept meant reserved for the public rather than staff at the School. Chair Jerome commented they wouldn't have "reserve" signs. Marcia McLaughlin added that the only spaces currently labeled are for the SAU along the street.

R. Winsor questioned the typical usage of the parking lot on a normal school day. Last year C. McLaughlin made a presentation to the Planning Board and School regarding the parking loads. School is not in session for 70% of the time that the Library is open; during that time there are over 100 parking

spaces available within a two minute walk. The original concept was eight spaces at the Library, eight spaces around the Parish House and 10 in the School parking lot, for a total of 26. There is no agreement with the School, but there is a spirit of cooperation that the Library will be given first come, first serve spots. R. Winsor asked again, what is the utilization of the parking lot while the School is in session. C. McLaughlin responded that when School was in session, there are 10 vehicles for the SAU and 60 vehicles for teachers/staff. There are 120 parking spaces at the School. Chair Gerome challenged the 70% number; he drove through the parking lot this week and there weren't ten open spaces. C. McLaughlin stated that was based on summers, weekends, evenings, vacations, etc. Chair Gerome asked if the peak times for the Library were during the school year and the use of the parking lot was not figured on peak time; it was figured on half the year being unoccupied. The highest peak time for Library usage should be the 180 days school is in session. The presentation to the Planning Board last year distinguished between time of day, week and year; in the Library's opinion, it fits. Chair Gerome noted the numbers weren't working for him; the five days a week, 70%, couldn't possibly be close because the parking lot is full between 6:30 a.m. and 4:30 p.m.; that sounded like peak Library time.

R. Winsor asked the volume of people using the Library on a daily basis. C. McLaughlin will update and make available the information on parking by time of day, week and year on the concept of shared parking between the School, Church and Library.

P. Sanderson noted they were also using eight spaces at the Parish House. Part of the formality of the agreement between the parties would have to be who controls those parking spaces. The Church also has functions; P. Sanderson asked how much of the time those spaces would be available to Library patrons. C. McLaughlin will make that information available.

J. Connelly asked how many handicap parking spaces were required; the response was "one". R. Lamarre stated that if it was a walk-up Library, none are required. It was based on a percentage of the parking spaces. There are four parking spaces; 25% of the parking spaces would be handicap. J. Connelly asked if that one handicapped space was occupied, where would another handicap person park. C. Medeiros asked if there were any demographics of the ages of Library patrons; there were none available.

Item 9: Referred back to Item 5 and included all aspects, agreements and understandings, not just septic. Item 11: Previously addressed.

Item 12: Altus agreed with the architect about vehicles backing into the right-of-way. E. Weinrieb stated if they were getting rid of the parking along Rt. 151, it would be worth revisiting. The first space would be backing out into a green space and protected from Rt. 151. R. Lamarre noted it would be pretty close to the sidewalk. E. Weinrieb suggested they look at it again. P. Sanderson stated DOT would mandate the design of that area.

Item 13: Boundary setbacks were discussed earlier. Lang's Landscaping has been working with the Trustees on the terrace piece rather than a wall; they will be presenting that to the abutter. There will be a rail as a safety barrier. P. Sanderson suggested that some of the stormwater characteristics may change with a terrace; there could be different types of water controls in the terraced areas. R. Lamarre responded they're not needed because the terrace is on the neighbor's property. P. Sanderson stated that the terraces gave them different opportunities for infiltration that weren't on the previous design. E. Weinrieb added that it chews up some of the infiltration because it was behind the vertical wall; now it's step up and would change the stormwater management. E. Weinrieb understood it to be on Library property. R. Lamarre clarified it was on the property line.

Item 15: Site access has been addressed. E. Weinrieb clarified that he was asking for a full understanding of pedestrian access as well. Traffic analysis is traffic circulation, pedestrian safety and access, and emergency vehicles. He didn't feel pedestrian access to the site was addressed. He has heard pedestrians will be going behind the Parish House and across the lawn for the Library and someone else was responsible for building a path. R. Lamarre pointed out the access point, adding that the School has said that the students are most likely going to walk from the School, across the lawn and into the Library. He didn't think they could do anything on School property to stop that from happening. E. Weinrieb stated he would rather see the students walk behind the Parish House without going onto Rt. 151 and crossing driveways. If that was left open and promoting them to go that way, there should be a safe access; people were going to use a short cut. Chair Jerome stated that any member of the Planning Board would assume they would have lighted walkways on their site, just like any other site plan coming before the Board. M. McLaughlin didn't feel it was the Library's responsibility as to how the students get to the Library; right now they come through the back of the Church property. Chair Jerome disagreed. He stated that when it's on the Church and Library site plan, it was their responsibility. It was their application and their responsibility. Walkway, lighting, safety; wheel chairs, kids, people in walkers—it was their responsibility once they were on Library property. He agreed that walking across SAU 50 was not their responsibility. C. Medeiros asked if there was a spirit of cooperation between the School, Library and Church why wouldn't student and handicapped safety be discussed. M. McLaughlin responded that the Church wasn't sure they wanted a walkway on the back of their property. P. Sanderson stated if that was the result of negotiations with them, on the Library site plan there should be some indication how people would be encouraged to use the sidewalk in front rather than cutting through property.

Chief Laurent questioned their note about the safety of emergency access to the building being addressed. They cannot access the rear of the building or right hand side as well as the front. There's only one side of the building that can be accessed in case of an emergency. R. Lamarre stated that the Building Inspector had sent a letter indicating that an emergency vehicle needed to get within 50' of the building. R. Lamarre noted that the building would be fully sprinkled; it would be 450'. He added that anything the Board wanted interpreted could be done by the State Fire Marshal. Chief Laurent stated she wasn't talking about fire; she wanted a SWAT vehicle to be able to access the building. Any building built now needs to take that into consideration, especially one that will be housing children. Why would something not be built to ensure their safety? There was a brief discussion about the existing Library; Chief Laurent said she can't dictate that because it's historical. R. Lamarre stated the addition will be completely compliant with all codes.

Jim Marchese, Building Inspector, stated that recognizing the importance of the project to the residents of Greenland, this was above his area of expertise. He was given permission for a third party review, and introduced Peter Cutrer of 7CS Consulting. P. Cutrer stated he had been hired to represent public safety in Town.

R. Lamarre suggested meeting with Ron Anstey, plan reviewer with the State Fire Marshal's office, to discuss any concerns and issues. J. Marchese stated that he had called the State Fire Marshal's office at the onset of the project and was told that the use was associated with a business and not a school; they're not going to get involved with the project. R. Lamarre stated that it's an assembly building not business occupancy. They have had the State Fire Marshal's office look at other buildings they've built. P. Cutrer stated that if they were going to refer to the State Fire Marshal's office, they should have been invited to this workshop. He had the State fire codes available for review. He stated that he had "no dog in the fight" but wanted to see a safe building built in Town. Everyone at the meeting was there for the same reason, and didn't want a building that had inherent flaws before it was even started. In the spirit of cooperation, everyone could work together. The cover sheet for the plans had the wrong code

set for any life safety review. If the plan were stamped, there would be a discussion with licensing and regulation. R. Lamarre asked if the meeting minutes could be sent to the State; they can be sent. He added that this wasn't new; they go to many towns where a third party reviewer is hired. R. Anstey will come down for interpretation. P. Cutrer stated he also works for the State and is the lead fire instructor for new fire marshals. He continued that if they want to bring R. Anstey into the mix, the meeting could be adjourned and he could be invited to the next meeting.

J. Connelly stated the access for fire and safety, and active shooter concerns as well as parking could be resolved if the structure were made smaller. He was 100% in favor of the Library, but not 100% in favor of the size.

Item 16: It is deficient of a landscape plan. Lang's Landscaping will be doing the landscape plan and will be incorporated into the drawings. Item 17: There will be lit walkways in the front. E. Weinrieb noted it needed to meet minimum code for safe access. Item 18: The Library will continue to manage the snow removal as they do currently. The Library Trustees manage their own snow removal from the site. E. Weinrieb noted that whatever they do must be documented on the plans. Item 22 was addressed. Item 23 was addressed.

Item 29: Water service size and the fire suppression system inside the building--they are talking to Portsmouth Water Department; it will probably be a 6" line rather than a 4" line as shown on the drawing. E. Weinrieb noted that one of the earlier comments was it had been resolved and approved; he asked for a letter from the City stating that they reviewed and approved the lines. Typically there are two lines because Portsmouth Water doesn't want domestic and fire protection connected. R. Lamarre explained there is one line from the street; before it goes into the building, at the street, it separates into two pieces. One piece will serve the fire protection system; the other serves domestic water.

Chair Jerome clarified Item 28: a walk-up Library is not being built. This particular site plan is grossly negligent on what is needed for parking. Even though they state they don't have to adhere to that, the Board wanted to make sure everyone is clear they are short 24 of 28 spaces. R. Lamarre responded it was because they are trying to get the Library done in cooperation with everyone. They have designed libraries without parking in New Hampshire.

E. Weinrieb, referring to Item 20, addressed the as-builts. It's imperative it gets added to the plan and cover sheet when the project is complete the contractor will provide as-builts. R. Lamarre responded they will add a note to the drawings and will make sure the Town gets a set of as-builts.

Item 39: The retaining wall is a work in progress with Lang's Landscaping. It will be provided on the landscaping plan. They will also look again at drainage and take advantage of it if it's a better scenario.

Item 40: Subsurface—E. Weinrieb noted there is a floor drain in the existing building, in the stairwell going down. It's not identified on the plans. DES didn't comment on it in their review was because they didn't know it was there. The floor drain should be eliminated or the septic system needs to be moved 15' away from the floor drain. They need to know where the floor drain discharges. R. Lamarre stated that floor drain will be eliminated when the new children's room is built. It's being discussed with Underwood Engineers and the Library Trustees. When talking about safety and security, they always limit doors in and out of buildings; active shooters go through the front door. A note will be made on the plan that the drain is abandoned.



Item 41: DES has reviewed and is waiting for a letter. Item 45: When the agreement is finalized, there will be an understanding between parties who pumps the system, which will need to be done every three years.

Item 46: PVC vents are proposed. Something similar to the existing will be done.

Item 52: R. Lamarre felt Underwood would stand by the drainage design. E. Weinrieb stated he would like to revisit that with them. He felt there was a lot more water coming from the Church property onto the Library site and the runoff is underestimated. A potential problem is being created with the infiltration basin as well as the amount of runoff from a gravel surface onto a paved surface that would erode and fill up the infiltration basin. It would be rendered ineffective after a short period of time. Arrangements will be made for E. Weinrieb to meet with Underwood. P. Sanderson added that's an example of a formal agreement with the Church. If that's the agreement, then the drainage calculations are based on a gravel surface. R. Lamarre stated the gravel surface is impervious. E. Weinrieb responded that the computations weren't based on impervious; they were based on it being gravel. It's almost impervious. If they changed it slightly, going from a curb number of 95 up to 98, it would be put in a situation that would be taken care of if it was paved. It would be a very small incremental change. R. Lamarre was in agreement; it should be designed as impervious. P. Sanderson added that once the designers agree on what they want, it should become part of the formal written agreement that it would stay that way. R. Winsor asked if it were paved, would it change the velocity calculation or should it be looked at as if it were paved. E. Weinrieb responded it should be looked at as paved. The change in going from gravel and making it pavement is better; there will be less maintenance on the infiltration basin.

Item 53: R. Lamarre stated there is approximately 10' to 15' between the sidewalk and lawn. He didn't feel a level spreader should be put in; it should be left lawn for the water to drain. E. Weinrieb stated they may find it offset any increases when getting rid of the pavement on Post Road.

Chair Jerome asked E. Weinrieb if he agreed with the way the drainage study was done. E. Weinrieb stated there were some concerns that were brought up. Now that they will address those (including the retaining wall), he was hoping they could get on the same page. They were comfortable with the general approach. J. McDevitt asked if he was satisfied with the septic design, putting aside the agreement with the Church. E. Weinrieb responded they took the recommendation and fixed the crushed stone. The State requires a sand bed on concrete for the chambers, which works fine on a lawn situation. As soon as vehicles are put on top, there will be differential movement. If there's crushed stone, it creates a better bed and the system would last longer. That has been corrected.

J. Marchese deferred to P. Cutrer for the next portion of the meeting. P. Cutrer stated he was working for the Town for public safety as a third party reviewer. He gave a brief background of his qualifications. He explained that NFPA is the National Fire Protection Association, the largest fire safety/life safety code committee; they write the laws and codes. New Hampshire has adopted NFPA 101 as the Life Safety Code. NFPA also creates safety guidelines that are adopted by architects and designers for specific things like active shooters (one of the more serious situations being dealt with).

P. Cutrer stated he wasn't at this meeting to attack anyone or say the project shouldn't be built; he was definitely pro-library. His position at this meeting was to address public safety; members of the community wanted a safe building.

P. Cutrer, fire protection specialist, stated that within his firm there is also a licensed architect and licensed civil engineer. All three reviews tagged the first and obvious issue felt by many at the meeting:

site access. From an architectural standpoint, the site access has a lot of issues. The architect's comment was that the site access was based on "numerous assumptions". They hedge from a life safety and former AHJ (authority having jurisdiction) perspective: things must be in writing and clear. In NFPA 1 (fire code), New Hampshire uses 18.2.3.2.1 which requires 50' to the access that emergency personnel will have inside a building (to an operable door to the outside of the AHJ's choosing). The only accessible door indicated on the plan, with the exception of the front door of the existing Library, involves stairs and scaling a brick sidewalk.

P. Cutrer stated he was hired because there was a conflict with the Fire Chief and he has stepped back from the project. He was representing the Town's interest from the public safety standpoint.

R. Winsor stated there is a lot of discussion about RSA 674:54 which excludes a public building from site plan review. P. Cutrer responded that he's not familiar with that; they use Saf-C 6000, the public safety clause. The only building that is excluded from Saf-C 6000 is the federal building. Every other building within the State is subject to the State fire code for safety. P. Sanderson noted that RSA 674:54 refers to local zoning and not State building codes or life safety. P. Cutrer stated he wanted the building to be built, but wanted to make sure it was safe; his name was attached to a report.

P. Cutrer stated his architect was very kind to Lavallee|Brensinger. R. Lamarre responded they want to meet the code and pointed out the accessible doors on the plan. P. Cutrer, stating they respected the police and their position, indicated they were mostly concerned about life safety with medical emergencies. Changing the parking in front of the building alleviates some of their concerns. The main entrance on the left side of the building is what was measured. They were partially correct on 450': if a building is protected with a fire sprinkler system in accordance with NFPA 13 (sprinkler code), 18.2.3.2.2.1 references the exception to the normal emergency access requirement of 150'. That would only apply to the other side of the building. There are 450' from where a 125,000 lb. fire truck can be parked to stretch a hose 450' to the back of the building. There is no exception whatsoever for the 50' rule for emergency forces entering a building in a safe manner. That was an area of concern.

The other problem with the site access can be seen on the plan: right and left of the doors. The State standard (18.2.3.4.1.1) requires a clear width of a minimum 20'; there is currently 16.9'. P. Cutrer clarified that the fire access road has to be a minimum of 20' wide. Mountable curbs are considered if an exception is granted by the Board. Two other minor code issues come into play: 18.2.3.4.3.1 requires a turning radius that is approved by the Fire Department. Currently there isn't an easement to go behind the Church. Behind the Church is gravel, which is concerning. The wheel base on the fire truck is 26' plus the bumper and the front pump (total of 30'). At a minimum, a WB50 turning radius would be needed to move a truck within the site (a 50' arc is needed on the curve). It's difficult on a site like this because there isn't enough real estate. To position Fire Department vehicles or any sort of staging on the site would be impossible; it doesn't meet minimum requirements. R. Lamarre stated they could get an interpretation of that requirement. The building has a fully automatic sprinkler and fire alarm system. P. Cutrer stated the sprinkler and fire alarm system does nothing to negate the State law; access has to be provided within 50' of the accessible door. If snow or cars were in the way, it would be inaccessible. He added that R. Lamarre wasn't qualified to have this discussion with him because he hasn't been in the fire service; he was an architect. R. Lamarre responded that from an unqualified position, could it be regraded and the steps removed. To which P. Cutrer responded he could do whatever he wanted to. However, the emergency access had to be approved by the AHJ.

Using Rt. 151 as a staging area could be a problem because it's a main road. Putting vehicles in traffic and trying to load patients, or trying to stage for an emergency situation, it was in a road. With new construction, they try to obtain the best possible outcome for emergency situations. R. Lamarre noted it

was actually a renovation and not new construction. P. Cutrer stated if the addition exceeds the actual size of the original, they consider it a new assembly. R. Lamarre stated it's considered a historic building. Chair Gerome stated that the 50' rule would have to be clarified by someone else.

The ADA issue was also of concern to the architect in P. Cutrer's office. If someone in a wheelchair enters the building, an elevator must be used to get anywhere; they have to go up or down. If the power goes out, there is no ADA egress. There is only one viable means of egress that is ADA compliant. The building doesn't meet the actual ADA requirements. Chair Gerome noted it would have to comply before it was built. The Building Inspector can't issue a permit until it's remedied. R. Lamarre stated they will contact the US Justice Department for clarification.

P. Cutrer stated again that the cover sheet doesn't indicate the correct code set. The building uses two terms that P. Cutrer wasn't familiar with in the Life Safety Codes: upper level and lower level. The Life Safety Code uses below grade, grade, above grade, two stories above grade, and three stories above grade. In a discussion with the Code Enforcement Officer, the assembly use for the lower level is considered below grade due to the fact that there are stairs and every access point involves going up. This is considered a Type V-000 building, or VB according to the IBC. That is considered the lowest class of fire resistant construction. The Life Safety Code doesn't permit people in the basement (below grade) for that type of building. There is no exception for new construction. R. Lamarre will also clarify that statement. Steve Laput, Lavallee|Brensinger, disagreed with P. Cutrer. He referred to the 2015 chart from NFPA 101. Construction type V-000 states that if the building is sprinkled, new construction is allowed to have occupancy below grade on a basement level. R. Lamarre stated they were going to get all the information clarified. He added that "maybe they've done this before" and they would in no way, shape or form ever design a building that wasn't safe. P. Cutrer stated that for the record it was Table 1216; P. Cutrer stated he had made a mistake: Type V-000 building below grade without a sprinkler system is not permissible; with a sprinkler system it is permitted with an occupant load of 1,000 people or less. For the record, P. Cutrer apologized.

There was a concern with egress in some of the areas of the building. There is a partition in the large room on the lower level. It creates some difficulty with egress; if or when that is closed, people would be limited to one egress. R. Lamarre noted on the plan there are two means of egress. P. Cutrer stated when the partition is used to divide the room, there is only one exit per room. That is not permissible for a place of assembly according to the Life Safety Code. R. Lamarre stated the room is under 1,000 sq. ft. and under 50 people. P. Cutrer stated the occupant load is based on the amount of square footage. R. Lamarre explained the NFPA interpretations. They leave space for wheelchairs and presentations. Chairs can be used at 7 sq. ft. In conversations with the Building Inspector, they have agreed that rather than using 15 sq. ft., they would design it at 7 sq. ft. They have made the building smaller at the request of the Planning Board. A door will be added. When the wall is open, there can be more than 50 people.

P. Cutrer stated that regardless if the petition is closed, it creates a little bit of an anomaly with egress; there were solutions. There was also a concern about travel distance within the room: common path of travel, the point travelled to a certain area and the person is able to distinguish between exits. The distance is noted on the plan. The issue is that those two doors open into an intervening space that goes to the same exit. R. Lamarre stated it meets the requirement of two exits based on projects that have been approved by the State in the past. Once you are out of the room, you are "out of the room" and into a common lobby space and out of the building; it's a rated stair. The issue is getting out of the room and travel distances from point A to point B. Once you are out of the room, travel distances start over again. P. Cutrer disagreed, stating that code doesn't allow travel distance to start over; he explained travel distance and referred to Chapter 7 in the life safety code. The dead end travel distance doesn't apply but the principle is something to think about. NFPA 3000 was referred to and is an active

shooter guide. R. Lamarre suggested a meeting with the Fire Chief and Police Chief to discuss how to make the building safe. He preferred to come up with a plan as opposed to picking up a guide. P. Cutrer responded that in all due respect, he was hired to represent the Fire Chief and Police Chief. He was referencing a national guide and an industry standard authored by input from hundreds of people on different design scenarios.

The second issue was with egress: the plan shows a corridor type pathway through the Library stack room. R. Lamarre stated it was an egress path; there should be a diagram on the code sheet indicating the egress path should be kept open. For every room of that size, there should be a path from point A to point B in a safe manner. It's not a corridor. P. Cutrer noted that it was shown as the secondary means of egress from the downstairs area. They're traversing from a less hazardous area to a more hazardous area. NFPA 13 lists that as an ordinary hazard group 2. Ordinary hazard group 2 vs. a light hazard of assembly is two steps. As a former AHJ for many years, P. Cutrer stated the corridor would have to be policed on a continual basis and is not a good way to do that. He suggested placing another door on the north wall where the assembly area is; it would alleviate all those problems. R. Lamarre stated they were still keeping it; P. Cutrer told him not to label it as an egress. R. Lamarre stated it was not a corridor but an egress path and would stay an egress path; it will not be labeled on the plan.

The egress hardware listed on the Progress Print will be ADA accessible. The fire alarm system has been mentioned but not listed on the plans; R. Lamarre responded it was required by code. He explained that their construction manager would hire a contractor to install a fire alarm system. There will be a sprinkler and fire alarm system.

P. Cutrer stated they appreciated the prints and hoped R. Lamarre didn't take it as a hostile attack on their plans. They were just an extra set of eyes and wanted to make sure the building was safe. It would be desirable to improve emergency access but it would be challenging. P. Cutrer suggested it be a geo-technical plan of some type that indicated it could support the weight of the truck and that it's an all season driveway, which may mean paving the area behind the Church. He wasn't sure it could be done with the width limitations. R. Lamarre stated there was no way to get a fire truck around the Church. P. Cutrer also suggested a discussion about designating the area in front of the Library as a fire lane. He felt it would alleviate a lot of issues. The Planning Board liked the idea of a fire lane.

Chief Laurent stated she would like a door on the back of the building and vehicle access around the building. J. Marchese asked for input from the Planning Board if the added traffic around the Parish House would warrant site plan review. P. Sanderson noted that the use would be changing based on the terms of the agreement. That would be an issue for the Building Inspector and Planning Board to determine if a site review of the Parish House property was warranted. P. Sanderson explained it would be considered a change of use due to the transportation pattern, parking, snow removal; everything that the Board would normally review during a site review would be changing.

R. Lamarre stated that he felt DOT recognized that what currently exists will continue in the future and has asked for a Letter of Agreement. P. Sanderson responded that it's been beaten to death at this meeting: it has to be far more than a Letter of Agreement. J. McDevitt agreed; a Letter of Agreement could be retracted by the Church at any time. If it's retracted, access to the Church is nearly denied. J. McDevitt felt they needed an easement. The Board was in agreement, adding it had to survive ownership change.

There being no further discussion from the Board, Chair Gerome opened the meeting to public comments. Barbara Fleming, Post Road: was confident the interior issues could be addressed. Her biggest concern was the agreement with the Parish House. There is a lot that inhibits their future use

and decision making associated with this; she would be asking a lot of questions if she was a member of the Church. She was disappointed there wasn't more of a level of dialogue with the Church. Her issues were more exterior and the Board had concerns as well. The site has serious limitations.

Frank Manter, Dearborn Road: He felt the architect was doing a good job. Chris Peters, Cushman Way: Stated the people at the Church have been very concerned about the process and have given it a lot of deliberation. She felt they didn't want to do anything to destroy the relationship between the Library and Church.

There was a discussion about liability in case of an accident or someone getting hurt on Church property when going to the Library. R. Lamarre stated that the way it exists right now is liability. When the project is complete, things should be a little better. P. Cutrer stated that easements protect properties against litigation because there is a legal permission slip to go on the property. Easements will serve to protect both parties involved. It's legitimate and needs to be done for safety and emergency access.

Coleen Penacho, Tidewater Farm Road: Clarified that the Library didn't have to meet the local zoning laws but State codes had to be met. In addition, the Building Inspector had to issue a permit before it could be used. A year later, issues haven't been worked out and there is no agreement with the School or Church even though there is a spirit of cooperation. People are concerned about the safety. She didn't think millions of dollars should be spent to keep the same old issues. It seemed money was being spent to not make things safer but less safe. She agreed with P. Sanderson something more was needed than a letter between two parties. If property is involved, there needs to be something registered in the Registry of Deeds that's lasting and goes forward with successors or heirs assigned to those buildings. It can't just be a spirit of cooperation. C. Penacho felt some of the remarks from R. Lamarre were condescending. She wasn't questioning his professionalism but felt some of his comments were not very respectful.

Chair Gerome was in agreement with Marge Morgan, Holly Lane, that the Church should have been invited to attend this meeting. Frank Manter, Church Trustee, was present and stated this was a challenge. The septic system, parking and the traffic pattern were briefly discussed. This was a big job and people had a lot of interest in the project. He couldn't speak for the Trustees on these issues; there needed to be a meeting as a congregation. There needed to be resolution between the Town and Library first.

B. Fleming questioned maintenance of the Church property. M. McLaughlin responded that the Church and Library use the same company for snowplowing; the Church takes care of their portion of the drive, the Library takes care of their section. They each pay the incremental costs. M. McLaughlin stated she can't speak for the Church and how they handle snow removal. The Library would make sure that any snow that may impede progress for them was removed. Chair Gerome stated there are spots on their drive where the snow will have to be removed. The Church will have to pay to remove snow from their yard for Library parking spots. M. McLaughlin stated they've always had to remove it for their own parking as well.

M. McLaughlin stated Attorney Loughlin at one time had drawn up a document that dealt with some of the Church issues as well as the School. Those documents have never gone away, but never been enacted. They will look at those documents again for what else needs to be added. The *cy pres* action that the Library would be asking for between the Town and Library would be addressing the driveway, parking, etc. It's a comprehensive document but may need to be more comprehensive. P. Sanderson stated that the current draft doesn't address any form of real estate exchange or interest between the Church and Town/Library. M. McLaughlin asked if Attorney Loughlin should add the easement to the

documents. P. Sanderson responded that Attorney Loughlin needed to speak to the Trustees and Selectmen to be sure he was asking for all the relief required to implement that plan.

B. Fleming asked if there were going to be physical improvements to the Church property. M. McLaughlin responded that the Library couldn't spend the Town's tax money on Church property. C. McLaughlin stated that after construction there would be an impact to the entire area and it would be logical to regrade the driveway. Re-grading may improve it at a reasonable cost. R. Lamarre added that anything the general contractor disturbs needs to be restored.

J. Connelly commented that from the discussion, he felt the Church wasn't being brought up to speed. Members of the audience responded they were aware. R. Winsor asked why the agreements weren't done. C. McLaughlin responded that there is a spirit of cooperation and presentations have been made more than once to all involved. He agreed it appears there has been some misunderstanding or confusion. From the Library's standpoint, they have been making their best effort to inform groups as they progress. R. Winsor asked, after talking to those involved many times, what was the reluctance to get it done. There are others involved with clear property rights and nobody is acting. C. McLaughlin stated he felt it was critical to have the details resolved before opening the addition.

M. McLaughlin stated that P. Sanderson has pointed out that the Library Trustees don't have the authority to execute any of the agreements; it was actually the Selectmen. In October they agreed to work in consort (the Church, Selectmen and Library Trustees) to create an acceptable document. The three groups have not sat down and worked on it together. The Library has their own attorney who has worked with Attorney Loughlin on the *cy pres*.

R. Lamarre will send the projected budget again. The Library anticipates needing additional staff hours. They don't expect to need a full-time custodian.

B. Fleming stated the moving force should be the Library Trustees. Dealing with the School should be more simplistic than dealing with the Church. The need for parking spaces should be put in writing and given to the School Board for review. F. Manter, Church Trustee, agreed with B. Fleming. They need to submit a formal agreement for review by all groups.

There being no further public comments, Chair Jerome closed the public meeting.

## 2. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes of Thursday, January 17, 2019. Second – J. McDevitt; seven in favor, one abstain (D. Moore). MOTION CARRIED

## 3. Approval of Invoices

MOTION: C. Medeiros moved to approve payment of the following invoices: from the Planning Board Town Budget – Altus Engineering for the Weeks Library review in the amount of \$816.75; from the Planning Board Escrow Account – Altus Engineering for the Bramber Valley Age Restricted Housing review: \$1,820.29. Second – J. McDevitt; all in favor.

## 4. Topics for the Public Hearing and Other Business were not discussed.

5. Adjournment

MOTION: R. Winsor moved to adjourn at 10:02 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, February 21, 2019 – 7:30 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Thursday, February 21, 2019